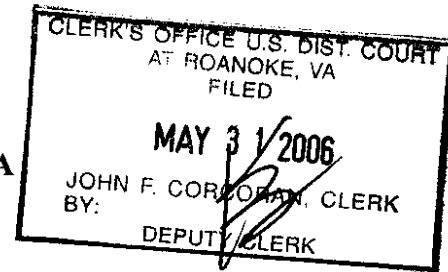


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



FRANCISCO VILLEGAS,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civil Action No. 7:05-cv-00540

**FINAL ORDER**

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Respondent's motion to dismiss the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, on the ground of petitioner's plea agreement waiver of collateral attack rights shall be and hereby is **DENIED**; but
2. the motion to dismiss is hereby **GRANTED** as petitioner's claims are without merit; and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 31<sup>st</sup> day of May, 2006.

  
Senior United States District Judge